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EXAMINER

INGVOLDSTAD, BENNETT

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2427

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/560,631

**Applicant(s)**DRAZIN, JONATHAN PETER  
VINCENT**Examiner**

Bennett Ingvaldsd

**Art Unit**

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/24/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 24 October 2008 have been carefully considered.
2. Arguments concerning the previous, now-canceled claims rejected as obvious over Del Sordo are moot in view of the new rejections citing Del Sordo in view of Tahtinen.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 40, 41, 46-48, 50-69, and 72-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Sordo (WO 00/64180) in view of Tahtinen (US 6963736).

Claim 40: Del Sordo discloses a television system for presenting ... television services to a user, the system comprising:

- a local memory (memories 303, 309, 310 [Fig 3]);
- means for determining the availability of data from a data source  
(receiving data from a cable television system [Abstract]);

- means for capturing a first portion of data (e.g., a packet identifiers table [pg. 4, l. 1-11]);
- means for storing the first portion in a first area of the local memory, the first portion having a first specified identity [pg. 4, l. 1-11];
- means for determining whether the first portion references a second portion of the available data depending on a value of one or more parameters stored in the local memory (table contains download locators which reference where a code object can be acquired [pg. 4, l. 1-23]), the second portion having a second specified identity [pg. 4, l. 21-23]; and
- means for capturing the second portion and storing the second portion in a second area of the local memory in the event that a reference between the first and second portions is found (in the event that the platform identifiers match [pg. 4, l. 9-14]), wherein the data capture is usable to provide [...] services for the user [pg. 9, l. 10-16].

Del Sordo does not further disclose that the services are interactive services (e.g., resident application code objects [pg 9, l. 10-16] are not specifically disclosed as interactive).

Del Sordo teaches that it is typical to provide an electronic program guide as an application of a set-top box [pg. 1, l. 26-29].

It would have been obvious to have provided an interactive electronic program guide as one of the second portion code objects (e.g., as a resident application code object [pg. 4, l. 21-23]) due to the typical use of interactive

electronic program guides as applications on set-top boxes [pg. 1, l. 26-29] for the purpose of making program selection easier for the user.

Del Sordo further does not teach that the second portion is transmitted at a specified/scheduled time of availability, or that the receiver captures the second portion at the specified/scheduled time of availability.

Tahtinen discloses a power-saving method for a broadcast video receiver in which portions of the receiver are switched off in between transmission bursts [col. 1, l. 57 - col. 2, l. 11]), thus powering on and receiving transmission bursts at specific determined times (col. 1, l. 25) by monitoring the time until a specific time instant is reached (col. 3, l. 53-57).

It would have been obvious to have implemented the power-saving method disclosed by Tahtinen in the system of Del Sordo for the purpose of reducing power consumption [col. 1, l. 6-10].

Claim 41: Del Sordo further discloses wherein the second data portion is transmitted as one or a plurality of conditionally linked data objects (code objects [pg. 4, l. 21-13], conditionally linked by platform identifiers [pg. 4, l. 1-20]), and the system includes means for resolving the identities of the linked objects while one or a plurality of them are captured and stored [pg. 4, l. 1-20].

Claim 46: Del Sordo further discloses wherein the data is transmitted in a platform independent form (in a platform indepent transport stream [pg. 4, l. 1-

11)) and the system comprises means for converting that data into a form that can be executed locally (extracting locally executable code objects [pg. 4, l. 1-23]).

Claim 47: Del Sordo further discloses wherein the local memory includes volatile and non-volatile memory (memories 303, 309, 310 [Fig 3]).

Claim 48: Del Sordo further wherein the first area is volatile memory [pg. 18, l. 12-16].

Claim 50: Del Sordo does not specifically disclose that the non-volatile memory 310 [Fig 3] is a hard drive.

Applicant admits that a hard drive was well known to be an inexpensive form of non-volatile memory.

Therefore it would have been obvious to have used a hard drive as the non-volatile memory for the purpose of using a low-cost form of non-volatile memory.

Claim 51: Del Sordo further discloses means for processing the first and second portions of data based on steps wholly or partially proscribed in code contained within a downloaded data object (downloaded base platform code prescribes the download of the O/S object using the method of claim 1 [pg. 8, l. 7-30]), wherein the processed data is stored in the second part of the local

memory for use in presenting said interactive services (in the flash memory 303 [Fig 3]).

Claim 52: Del Sordo further discloses the system being operable to perform the capturing/downloading of data while the system is not presenting services to a user (before the system is initialized [pg. 8, l. 1-6]).

Claim 53: Del Sordo further discloses wherein the data source is one or more of a broadcast television network [Abstract] and the internet.

Claim 54: Del Sordo further discloses a system that is operable to determine whether data that is scheduled to be transmitted from the data source is more recent/up-to-date than the data in the local memory and prevent or omit a scheduled download in the event that data from said source is determined not to be more recent/up-to-date than the data in local memory (the system recognizes upgrades [pg. 5, l. 20-30] and only downloads appropriate objects [pg. 6, l. 13-24]).

Claim 55: Del Sordo in view of Tahtinen discloses wherein one or more portions of the system are powered up immediately prior to receipt of data from the data source and powered down upon receipt of said data (portions of the

receiver are switched off in between transmission bursts [col. 1, l. 57 - col. 2, l. 11]).

Claim 56: Del Sordo further discloses wherein a portion of the data captured from the data source comprises a service entitlement or disentitlement message addressed to the system platform (entitlement management message [Abstract]).

Claim 57: Del Sordo discloses wherein the presented interactive service comprises an electronic program guide (see claim 1 rejection) or an on screen television magazine.

Claim 58: Del Sordo does not specifically disclose a system as claimed in claim 1 wherein the presented interactive service comprises an interactive game.

Applicant admits that interactive games were well known as interactive services available on a set-top-box.

Therefore it would have been obvious to have implemented an interactive game as an application code object [pg. 4, l. 21-23] for the purpose of providing entertainment applications to the user.

Claim 59: Sordo further discloses wherein the presented interactive service comprises playback of a stored video or audio clip, or a video or audio stream (television channel video stream [Abstract]).



Claim 60: Del Sordo further discloses the system comprising a set-top-box [Abstract].

Claim 61: Del Sordo further discloses wherein the first portion captured is followed by other portions, in an order such that no portion is broadcast until all other portion(s) that reference the first portion have been broadcast beforehand (pg. 12, l. 9-14: packets "wrap around" e.g. on a carousel).

Claim 62: Del Sordo further discloses wherein the first portion and/or second portion comprise a software executable (Abstract: objects are executable code objects).

Claim 63: Del Sordo further discloses wherein the second portion comprises data to determine the appearance of the interactive service displayed by the television system (an EPG [pg. 1, l. 26-31] comprises a user interface on display screen, therefore an EPG code object determines the "appearance" of the user interface)

Claim 64: Del Sordo further discloses wherein the first portion and/or second portion comprises a checksum or digital signature (pg. 16, l. 14-21).

Claim 65: Del Sordo discloses a method for presenting [...] television services to a user of a television system, the method comprising:

- determining availability of data from a data source (receiving data from a cable television system [Abstract]);
- capturing at least some of the available data (e.g., a base platform code object [pg. 4, l. 21-23]);
- storing a first portion of the available data in a first area of a local memory (in an area of one of memories 303, 309, 310 [Fig 3]), said first portion having a specified identity [pg. 4, l. 21-23];
- determining whether the first data portion references a second data portion of the available data depending on a value of one or more parameters stored in the local memory (base platform code controls acquisition of an O/S [pg. 8, l. 23-30] depending on a device class parameter [pg. 12, l. 15-23]), the second data portion also having a specified identity (an O/S [pg. 8, l. 23-30]);
- storing the second portion in the first area of local memory in the event that a reference between the first and second portions is found (in the event that the platform identifiers match [pg. 4, l. 9-14]);
- processing the first and second portions of data according to their identities (authenticating downloaded components [pg. 18, l. 12-16]);
- writing the processed data to a second area of the local memory (to non-volatile memory [pg. 18, l. 12-16]); and

- using the processed data to present interactive television services to the user (running base platform code [pg. 8, l. 23-30] and O/S code [pg. 9, l. 1-9]).

Del Sordo does not further disclose that the services are interactive services (e.g., resident application code objects [pg 9, l. 10-16] are not specifically disclosed as interactive).

Del Sordo teaches that it is typical to provide an electronic program guide as an application of a set-top box [pg. 1, l. 26-29].

It would have been obvious to have provided an interactive electronic program guide as one of the second portion code objects (e.g., as a resident application code object [pg. 4, l. 21-23]) due to the typical use of interactive electronic program guides as applications on set-top boxes [pg. 1, l. 26-29] for the purpose of making program selection easier for the user.

Del Sordo further does not teach receiving a specified/scheduled time of availability, or that the receiver captures the second portion at the specified/scheduled time of availability.

Tahtinen discloses a power-saving method for a broadcast video receiver in which portions of the receiver are switched off in between transmission bursts [col. 1, l. 57 - col. 2, l. 11]), thus powering on and receiving transmission bursts at specific determined times (col. 1, l. 25) by monitoring the time until a specific time instant is reached (col. 3, l. 53-57). The receiver receives the specific time instant

of a burst transmission by e.g. monitoring the predetermined time intervals (col. 3, l. 53-60).

It would have been obvious to have implemented the power-saving method disclosed by Tahtinen in the system of Del Sordo for the purpose of reducing power consumption [col. 1, l. 6-10]. The combination yields the predictable result of receiving an indication of a specific time (Tahtinen col. 3, l. 53-60) associated with packets of a second code object (Del Sordo pg. 12, l. 1-14).

Claims 66-68, 72-75 are rejected under the same grounds as claims 41, 46, 47, 51-53, and 60 respectively.

Claim 69: Del Sordo teaches processing the first and second portions of data according to their identities (authenticating downloaded components [pg. 18, l. 12-16]), writing the processed data to a second area of the local memory (to non-volatile memory [pg. 18, l. 12-16]) and using the processed data to present interactive television services to the user (running base platform code [pg. 8, l. 23-30] and O/S code [pg. 9, l. 1-9]).

Claim 76: Del Sordo discloses a computer program on computer readable medium, for presenting [...] television services to a user of a television system, the computer program having code or instructions for:

- determining availability of data from a data source (receiving data from a cable television system [Abstract]);
- capturing the available data (receiving the data);
- storing a first portion of the available data (e.g., a base platform code object [pg. 4, l. 21-23]) in a first area of a local memory (in an area of one of memories 303, 309, 310 [Fig 3]), said first portion having a specified identity [pg. 4, l. 21-23];
- determining whether the first data portion references a second portion of the available data depending on a value of one or more parameters stored in the local memory (base platform code controls acquisition of an O/S [pg. 8, l. 23-30] depending on a device class parameter [pg. 12, l. 15-23]), the second portion also having a specified identity (an O/S [pg. 8, l. 23-30]);
- storing the second portion in the first area of local memory in the event that a reference between the first and second portions is found (in the event that the platform identifiers match [pg. 4, l. 9-14]);

Del Sordo does not further disclose that the services are interactive services (e.g., resident application code objects [pg 9, l. 10-16] are not specifically disclosed as interactive).

Del Sordo teaches that it is typical to provide an electronic program guide as an application of a set-top box [pg. 1, l. 26-29].

It would have been obvious to have provided an interactive electronic program guide as one of the second portion code objects (e.g., as a resident application code object [pg. 4, l. 21-23]) due to the typical use of interactive electronic program guides as applications on set-top boxes [pg. 1, l. 26-29] for the purpose of making program selection easier for the user.

Del Sordo further does not teach that the second portion is transmitted at a specified/scheduled time of availability, or that the receiver captures the second portion at the specified/scheduled time of availability.

Tahtinen discloses a power-saving method for a broadcast video receiver in which portions of the receiver are switched off in between transmission bursts [col. 1, l. 57 - col. 2, l. 11]), thus powering on and receiving transmission bursts at specific determined times (col. 1, l. 25) by monitoring the time until a specific time instant is reached (col. 3, l. 53-57).

It would have been obvious to have implemented the power-saving method disclosed by Tahtinen in the system of Del Sordo for the purpose of reducing power consumption [col. 1, l. 6-10].

Claim 77: Del Sordo teaches processing the first and second portions of data according to their identities (authenticating downloaded components [pg. 18, l. 12-16]), writing the processed data to a second area of the local memory (to

non-volatile memory [pg. 18, l. 12-16]), and using the processed data to present interactive television services to the user (running base platform code [pg. 8, l. 23-30] and O/S code [pg. 9, l. 1-9]).

5. Claims 49, 70, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Sordo (WO 00/64180) in view of Applicant's admitted prior art.

Claims 49 and 71: Del Sordo does not specifically disclose that the RAM 309 [Fig. 3] is DRAM.

Applicant discloses that it was well known to use DRAM in set-top-box platforms (Specification pg. 1, "Background of the Invention" para 1).

Therefore it would have been obvious to have made the RAM disclosed by Del Sordo to be DRAM as disclosed by Applicant, due to the well-known utility of DRAM for use in set-top boxes.

Claim 70: Del Sordo discloses that the first memory is volatile memory, but not that the second memory area is volatile memory [pg. 18, l. 12-16].

Applicant discloses that it was known to have a set-top-box containing only volatile memory (Specification pg. 1, "Background of the Invention" para 1).

It would have been obvious to have used a volatile memory for both memory areas in the invention of Del Sordo for the purpose of reducing the number of components in order to make the device smaller or less costly.

6. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Sordo (WO 00/64180) in view of Perlman (WO98/50861).

Claim 42: Del Sordo does not disclose a television system as claimed in claim 1 comprising means for detecting the presence of an external device.

Perlman discloses a host system that automatically detects the presence and identity of a hardware adapter [pg. 1, l. 33 – pg. 2, l. 9].

It would have been obvious to have implemented the automatic peripheral recognition disclosed by Perlman in the system of Del Sordo for the purpose of allowing the user to connect peripheral devices that are automatically recognized by the system for downloading of device drivers [pg. 1, l. 25-30].

Claim 43: Continuing with the rationale given for claim 32, Del Sordo in view of Perlman discloses a television system as claimed in claim 1 wherein a data object containing executable driver software is downloaded conditionally upon the presence and identity of a hardware adapter [Perlman pg. 1, l. 33 – pg. 2, l. 9].

7. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Sordo (WO 00/64180) in view of Perlman (WO98/50861), further in view of Weiss (US 6930598).



Claim 44: Del Sordo in view of Perlman does not specifically disclose a television system as claimed in claim 32, wherein the hardware adapter is a communications adapter.

Weiss discloses a method for switching communication means by plugging in a communications adapter [col. 6, l. 19-25].

It would have been obvious to have used the method for switching communication means with the system of Del Sordo in view of Perlman for the purpose of allowing the user to easily create connections with diverse devices by plugging in adaptors that establish links between the devices.

Claim 45: Del Sordo in view of Perlman, further in view of Weiss discloses a television system as claimed in claim 34 wherein the communications adapter communicates via wireless means [Weiss col. 6, l. 19-25].

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/  
Primary Examiner, Art Unit 2421

01/02/2009

/Bennett Ingvaldstad/

Application/Control Number: 10/560,631

Page 18

Art Unit: 2427

Examiner, Art Unit 2427